

Notice of Allowability

Application No.

09/782,077

Examiner

JOHN PAK

Applicant(s)

STAMLER, JONATHAN S.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submissions of 9/29/2005.
2. ☒ The allowed claim(s) is/are 1-5, 7-9, 11, 13, 15-22 [renumbered as 1-18].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOHN PAK
PRIMARY EXAMINER
GROUP 1630

Claims 1-5, 7-9, 11, 13 and 15-22 are pending in this application.

The terminal disclaimer filed on 9/29/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/069,114 (which has now issued as U.S. Patent No. 6,945,247) has been reviewed and is accepted. The terminal disclaimer has been recorded.

It is noted that this application has another terminal disclaimer of record, over U.S. Patent No. 6,314,956. This earlier terminal disclaimer was filed on 12/27/2002.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

It is noted that all the amendments hereinbelow are directed to updating pendency information of U.S. Patent Applications mentioned in the specification.

Specification page 1, line 4: after "September 8, 1999" **insert** --- which is now U.S. Patent No. 6,314,956 --- .

Specification page 2, line 9: after "09/390,215" **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 2, line 11: after "09/390,215" **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 2, line 20: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 4, line 3: after "November 4, 1999' **insert** --- which is now U.S. Patent No. 6,617,355 --- .

Specification page 8, in the 1/11/2001 replacement paragraph of the paragraph beginning at line 20 of page 8: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 9, line 5: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 9, line 11: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 9, line 14: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 9, line 15: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 9, line 21: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

Specification page 11, line 16: after "09/390,215' **insert** --- (filed on September 8, 1999, which is now U.S. Patent No. 6,314,956) --- .

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It is further noted for the record that the claim language of group member (a) in claim 1 would have been readily understood by the one of ordinary skill in the art in view of (i) the species recited in instant claims 20-21, (ii) the specification disclosure on page 9, lines 12-19, (iii) the functional language set forth in claim 1, and (iv) the state of the art and the level of skill of the skilled artisan in this field, as evidenced by the use of substantially similar claim language in U.S. Patents 6,314,956 (see e.g. claim 1) and 6,945,247 (see e.g. claim 1).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on **(571)272-0887**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'John Pak', is positioned above a rectangular stamp.

JOHN PAK
PRIMARY EXAMINER
GROUP 1600